

Virginia Administrative Code

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Part I

Definitions and General Information

12VAC5-120-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Board" means the State Board of Health.

"Commissioner" means the Commissioner of Health.

"Elevated blood-lead level" for children means 10 or more micrograms of lead per deciliter of whole blood in a child up to and including 72 months of age.

"Health care provider" means a physician or his designee or an official of a local health department.

"High-risk ZIP Code area" means a ZIP Code area listed in guidelines issued by the Virginia Department of Health in which 27% or more of the housing was built before 1950 or 12% or more of the children have elevated blood-lead levels based on current available data.

"Physician" means a person licensed to practice medicine in any of the 50 states or the District of Columbia.

"Point of care testing" refers to testing by a health care provider that has a CLIA Certificate of Waiver.

"Qualified laboratory" means a laboratory that is certified by the Health Care Financing Administration in accordance with the Clinical Laboratory Improvement Amendments of 1988 (CLIA) (42 CFR Part 493) and is participating in the Centers for Disease Control and Prevention's (CDC) Blood Lead Laboratory Proficiency Program.

"µg/dL" means micrograms of lead per deciliter of whole blood.

Statutory Authority

§ 32.1-46.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 16, eff. May 22, 2002; amended, Virginia Register Volume 26, Issue 6, eff. December 31, 2009.

12VAC5-120-20. Statement of general policy.

The Commonwealth of Virginia has recognized the need for early identification of children with elevated blood-lead levels to alert parents and guardians to the need for intervention to prevent physical, developmental, behavioral, and learning problems associated with elevated blood-lead levels in children, and to prevent exposure of other children.

The purpose of this chapter is to provide a protocol for identifying children with elevated blood-lead levels.

The department encourages health care providers, parents and guardians to exercise reasonable, but liberal judgment and discretion in implementing and applying the protocol set forth in this chapter, so that the health of all Virginia's children may be protected from lead poisoning.

Statutory Authority

§ 32.1-46.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 16, eff. May 22, 2002.

Part II

Protocol for Identification of Children with Elevated Blood-Lead Levels

12VAC5-120-30. Schedule for testing.

Virginia health care providers should test all children up to and including 72 months of age for elevated blood-lead levels according to the following schedule unless they are determined under 12VAC5-120-60 to be at low risk for elevated blood-lead levels. All blood-lead samples shall be analyzed by a qualified laboratory. The use of a CDC-approved and CLIA-waived instrument for point-of-care

testing, as a means of administering screening tests for elevated blood-lead levels, is exempted from the requirement to have all blood-lead samples analyzed by a qualified laboratory. However, any elevated blood-lead level found through point-of-care testing to be equal to or greater than 10 µg/dL shall be confirmed by a venous blood-lead test performed by a qualified laboratory in accordance with the requirements of 12VAC5-120-40.

1. Children should be tested at ages one and two years.
2. Children from 36 through 72 months of age should be tested if they have never been tested.
3. Additional testing may be ordered by the health care provider.
4. Children should be tested at the request of a parent or guardian due to any suspected exposure.

Statutory Authority

§ 32.1-46.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 16, eff. May 22, 2002; amended, Virginia Register Volume 26, Issue 6, eff. December 31, 2009.

12VAC5-120-35. Information about lead poisoning.

The health care provider shall make available to parents information on the dangers of lead poisoning, along with a list of available resources, as part of regular well-check visits for all children up to 72 months of age.

Statutory Authority

§ 32.1-46.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 26, Issue 6, eff. December 31, 2009.

12VAC5-120-40. Confirmation of blood-lead levels.

Testing may be performed on venous or capillary blood collected in tubes or on filter paper. If a test of capillary blood reveals an elevated blood-lead level, the results shall be confirmed by a repeat blood test (preferably venous):

1. Within three months if the result of the capillary test is 10 µg/dL to 19 µg/dL.
2. Within one week to one month if the result of the capillary test is 20 µg/dL to 44 µg/dL. The higher this test result, the more urgent the need for a confirmation test.
3. Within 48 hours if the result of the capillary test is 45 µg/dL to 59 µg/dL.
4. Within 24 hours if the result of the capillary test is 60 µg/dL to 69 µg/dL.
5. Immediately as an emergency laboratory test if the result of the capillary test is 70 µg/dL or higher.

Elevated blood lead results from venous blood testing shall be deemed a confirmed test.

Statutory Authority

§ 32.1-46.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 16, eff. May 22, 2002.

12VAC5-120-50. Risk factors requiring testing.

A health care provider shall test any child for elevated blood-lead level, or have such a child tested, if the provider determines, in the exercise of medical discretion, that such testing is warranted, and that the child meets one or more of the following criteria:

1. Eligible for or receiving benefits from Medicaid or the Special Supplemental Nutrition Program for Women, Infants and Children (WIC);
2. Living in a high-risk zip code area;
3. Living in or regularly visiting a house or child care facility built before 1950;
4. Living in or regularly visiting a house, apartment, dwelling or other structure, or a child care facility built

before 1978, with peeling or chipping paint or with recent (within the last six months), ongoing, or planned renovations;

5. Living in or regularly visiting a house, apartment, dwelling or other structure in which one or more persons have elevated blood-lead levels;

6. Living with an adult whose job or hobby involves exposure to lead as described in Preventing Lead Poisoning in Young Children (CDC, 1991);

7. Living near an active lead smelter, battery recycling plant, or other industry likely to release lead;

8. The child's parent or guardian requests the child's blood be tested due to any suspected exposure; or

9. A health care provider recommends the child's blood be tested due to any suspected exposure.

The Department of Health will maintain a list of high-risk zip code areas in Virginia.

Statutory Authority

§ 32.1-46.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 16, eff. May 22, 2002; amended, Virginia Register Volume 19, Issue 22, eff. August 13, 2003.

12VAC5-120-60. Determination of low risk for elevated blood-lead levels.

Blood-lead testing is not indicated for children determined by a health care provider to be at low risk for elevated blood-lead levels. A health care provider may determine a child to be at low risk for elevated blood-lead level if the child meets none of the criteria listed in 12VAC5-120-50, but is encouraged to cause a child to be tested if, in the exercise of discretion and consideration of the various means by which exposure to lead may occur, such exposure cannot be clearly ruled out.

Statutory Authority

§ 32.1-46.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 16, eff. May 22, 2002.

12VAC5-120-70. Samples submitted to a qualified laboratory.

A. All blood samples submitted to a qualified laboratory for analysis shall be accompanied by a completed laboratory requisition with all of the required data as determined by the Department of Health.

B. All qualified laboratories accepting blood samples for lead analysis under this chapter shall submit all required data to the board within 10 business days of analysis. The data shall be sent by a secure electronic means that has been approved by the Department of Health.

C. Any laboratory reporting under this section shall be deemed in compliance with the stipulations of § 32.1-36 of the Code of Virginia and 12VAC5-90-90 of the Board of Health Regulations for Disease Reporting and Control.

Statutory Authority

§ 32.1-46.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 16, eff. May 22, 2002.

12VAC5-120-80. Follow-up testing and information.

The Department of Health will establish guidelines for follow-up testing for children with confirmed elevated blood-lead levels, provide or recommend appropriate information for parents, and disseminate through various available means the protocol and other information to all relevant health care professionals. The department encourages health care professionals to conduct whatever follow-up testing is indicated or warranted in the exercise of medical or clinical judgment and discretion.

Statutory Authority

§ 32.1-46.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 16, eff. May 22, 2002.

12VAC5-120-90. Exclusion from testing when risk is low and on religious grounds.

In accordance with § 32.1-46.2 of the Code of Virginia, every child in the Commonwealth should be tested for elevated blood-lead levels or determined to be at low risk for elevated blood-lead levels unless the parent, guardian or other person standing in loco parentis obtains a determination that the child is at low risk for elevated blood-lead levels or unless the parent, guardian or other person having control or charge of such child objects to such testing on the basis that the procedure conflicts with his religious tenets or practices.

Statutory Authority

§ 32.1-46.2 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 16, eff. May 22, 2002.
